



City of Santa Barbara California

II. E.

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 25, 2015
AGENDA DATE: April 1, 2015
PROJECT ADDRESS: 1970 Mission Ridge Road and 2225 Las Tunas Road (MST2015-00020)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Allison De Busk, Acting Senior Planner *AD*
Kelly Brodison, Assistant Planner *KAB*

I. PROJECT DESCRIPTION

The project consists of a lot line adjustment transferring approximately 777 square feet from 2225 Las Tunas Road (Parcel 2) to 1970 Mission Ridge Road (Parcel 1). Following the adjustment, 1970 Mission Ridge Road would be 12,158.6 square feet and 2225 Las Tunas Road would be 39,761 square feet.

The A-1 Zone requires lots with an average slope between 10% up to and including 20% to have a minimum lot size of 1.5 acres (65,340 square feet), and lots with over 20% up to and including 30% to have a minimum lot size of 2 acres (87,120 square feet). Therefore, a lot area modification is required for both parcels.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Lot Area Modification to adjust the boundary of 2225 Las Tunas Road, which will have less than the required 65,340 square feet of lot area (SBMC §28.92.110);
- B. A Lot Area Modification to adjust the boundary of 1970 Mission Ridge Road, which will have less than the required 87,120 square feet of lot area (SBMC §28.92.110); and
- C. A Lot Line Adjustment to transfer 777 square feet from 2225 Las Tunas Road to 1970 Mission Ridge Road (SBMC Chapter 27.40).

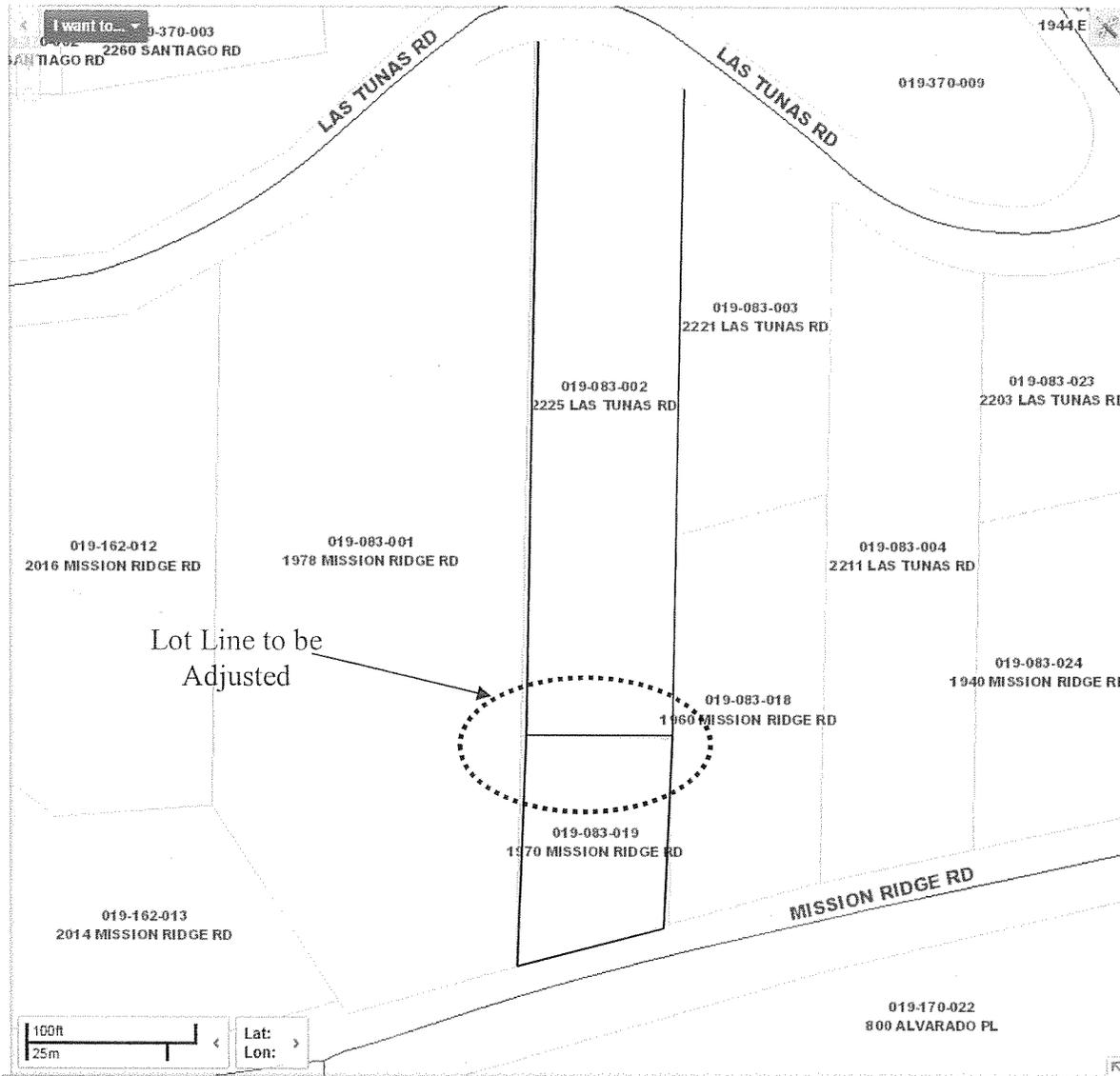
APPLICATION DEEMED COMPLETE: February 24, 2015

DATE ACTION REQUIRED: April 25, 2015

III. RECOMMENDATION

With the approval of the requested modifications, the proposed project conforms to the City's Zoning Ordinance and policies of the General Plan. Although the proposed lot line adjustment would reduce the size of a lot that is currently nonconforming in terms of lot area (2225 Las Tunas Road), it would transfer this lot area to a lot that is more nonconforming in terms of lot area. Therefore, Staff finds that the proposal is appropriate and recommends that the Staff

Hearing Officer approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map

IV. BACKGROUND

This proposal for a lot line adjustment is the result of an agreement between the two affected property owners to relocate a utility easement to a more appropriate location and simultaneously correct a misunderstanding as to the location of the boundary between the two lots. The property owners believed that the boundary was slightly north of the current location. This Lot Line Adjustment would correct that misunderstanding by adjusting the boundary eight feet to the north in exchange for relocating the existing utility easement from the west side of 1970 Mission Ridge Road to the east, so as not to be adjacent to a master bedroom and bathroom.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION (EXISTING)

Applicant:	Steve Fort, SEPPS	
Property Owner:	Robert and Elizabeth Leslie, 1970 Mission Ridge Road (Parcel 1)	
Property Owner	David J. Voorhies Trustee, The Ronald F. and Catherine M. Boeddecker Family Trust, 2225 Las Tunas Road (Parcel 2)	
Site Information	1970 Mission Ridge Road	2224 Las Tunas Road
Parcel Number:	019-083-019	019-083-002
General Plan:	Low Density Residential (1 dwelling unit per acre)	Low Density Residential (1 dwelling unit per acre)
Existing Use:	residential	residential
Lot Area:	11,381.6 sq. ft.	40,537 sq. ft.
Zoning:	A-1	A-1
Topography:	20.07% slope	19.13% slope
Adjacent Land Uses		
	North - Residential South - Residential	East - Residential West - Residential

B. LOT AREA STATISTICS

	Required	Existing	Proposed
1970 Mission Ridge Road	87,120 sq. ft. (based on slope >20%-30%)	11,381.6 sq. ft. (20.07% slope)	12,158.6 sq. ft. (20.75% slope)
2225 Las Tunas Road	65,340 sq. ft. (based on slope 10%-20%)	40,537.9 sq. ft. (19.13% slope)	39,761 sq. ft. (18.9% slope)

VI. ISSUES

A. ZONING ORDINANCE CONSISTENCY

In the A-1 Zone, the minimum lot size is 1 acre (43,560 square feet). However, per SBMC 28.15.080, the minimum lot size shall be increased by 1.5 times if the average slope of a lot is between 10% and 20% (65,350 square feet), and shall be increased by 2.0 times if the average slope of a lot is between over 20% and 30% (87,120 square feet). Both of the subject properties are legally non-conforming to this requirement. The existing lot at 1970 Mission Ridge is nonconforming to lot area at 11,381.6 square feet with an average slope of 20%. The proposed lot line adjustment would make it more conforming to the required minimum lot size of 87,120 square feet by increasing its size by 777 square feet to 12,158.6 square feet. The lot at 2225 Las Tunas would be reduced by 777 square feet; however, it is already non-conforming to the required lot size of 65,350 square feet and this proposal would not create a new non-conformity. Given the size and slope of the two lots, it is not possible for a lot line adjustment to result in both of the lots complying with the minimum required lot size.

Lot area modifications are required for both lots because, even after the transfer of lot area, they would both still have less than the required lot area for a newly created lot in the A-1 zone, based on slope density requirements. With the approval of the lot area modifications, the project would meet the requirements of the Zoning Ordinance.

B. GENERAL PLAN CONSISTENCY

Before a lot line adjustment can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed lot line adjustment would be consistent with all plans and policies of the City of Santa Barbara, including the General Plan.

Land Use Element: The project site is located in an area identified as the Riviera Neighborhood in the General Plan. This area is primarily a single-family neighborhood and the subject parcels have a General Plan density of one dwelling unit per acre (one unit per 43,560 square feet). Both of the lots are legally non-conforming to General Plan density. The proposed lot line adjustment would result in 1970 Mission Ridge Road increasing in size by 777 square feet to become more compliant with the General Plan density requirement. The lot identified as 2225 Las Tunas would become slightly less compliant with General Plan density requirements; however, this lot line adjustment would not increase the development potential of either lot. Both lots would remain in compliance with required setbacks and there is no new development proposed with this application.

C. LOT LINE ADJUSTMENT

Government Code Section 66412 (d), a portion of the State Subdivision Map Act, requires that the proposed lot line adjustment be consistent with the City's General Plan and zoning and building ordinances.

With the approval of the requested lot area modifications, as discussed above, the resulting parcels would comply with all current zoning standards for the A-1 Single-Family Residence Zone.

The lot line adjustment would bring the property at 1970 Mission Ridge Road closer to compliance with the General Plan designation and zoning ordinance requirements for minimum lot size. Any future development on either parcel would be subject to the ordinance requirements of the A-1 Single-Family Residential Zones.

Following the proposed lot line adjustment, both lots would continue to be non-conforming to the Zoning Ordinance lot area requirement and would not intensify the already existing non-conformancy. The lot area for 1970 Mission Ridge Road is proposed to be increased from 11,381.6 square feet to 12,158.6 square feet. The lot area for 2225 Las Tunas Road is proposed to be decreased from 40,537.9 square feet to 39,761 square feet.

VII. ENVIRONMENTAL REVIEW

The project is a minor land transfer between two lots currently developed with single family residences. The City's list of projects qualifying as categorically exempt from the provisions of CEQA includes an exemption for projects involving minor lot line adjustments where no new building site has an average slope greater than 20%, and there would be no changes in land use or density. Because there is no change to land use or increase in density associated with the lot line adjustment, and it would not create a new building site, the Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Section §15305 (Minor Alteration in Land Use Limitations).

VIII. BUILDING PERMITS

No improvements are proposed as part of the project. However, the existing house at 1970 Mission Ridge is currently being remodeled and building permits have been issued. The owner and Contractor have submitted a letter stating their intention to proceed with the work and obtain final inspections as the work is completed.

IX. FINDINGS

The Staff Hearing Officer finds the following:

A. LOT AREA MODIFICATIONS (SBMC §28.92.110)

The lot area modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. Both of the existing lots are nonconforming to the minimum lot size requirement of the General Plan and Zoning Ordinance. The lot line adjustment would bring the smaller property at 1970 Mission Ridge Road more into conformance with the minimum density requirements of the General Plan and minimum lot size of the Zoning Ordinance, as described in Section VI of the staff report. Although the lot line adjustment would slightly reduce the size of the lot at 2225 Las Tunas Road, it would not create a new nonconformity because the lot is already less than the required minimum lot size. The adjustment affects an interior lot line and would not change the development potential of either lot. No additional development or

removal of vegetation is proposed as part of the project. Each lot is developed with a single-family residence and garage.

LOT LINE ADJUSTMENT (SBMC §27.40.040 AND GOV. CODE §66412)

With the approval of the lot area modifications, the proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances in that it would increase the size of 1970 Mission Ridge to bring it closer to conformance with the Zoning Ordinance minimum lot size without creating a new nonconforming lot at 2225 Las Tunas Road.

Exhibits:

- A. Conditions of Approval
- B. Proposed Lot Line Adjustment Map
- C. Applicant's letter, dated February 23, 2015

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1970 MISSION RIDGE ROAD AND 2225 LAS TUNAS ROAD
LOT LINE ADJUSTMENT
MARCH 25, 2015

- I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 2. Submit an application for the lot line adjustment to the Public Works Department (PBW).
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Public Works Department.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval:
1. **Lot Line Adjustment Required.** The Owners shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* or *Declarations of Lot Line Adjustment* to the Public Works Department. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.
 2. **Easement(s).** Easements, as shown on the Lot Line Adjustment Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:

All existing easements for sanitary sewer and water purposes on property have to be changed with the new Lot Line Adjustment and need to be recorded.
 3. **Water Rights Assignment Agreement.** The Owner of both properties – 1970 Mission Ridge Road and 2225 Las Tunas Road - shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner’s signature.
- C. **General Conditions.**
1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. §

1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

II.

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Staff Hearing Officer action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or

2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:

The Staff Hearing Officer's action approving the Lot Line Adjustment shall expire 24 months from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

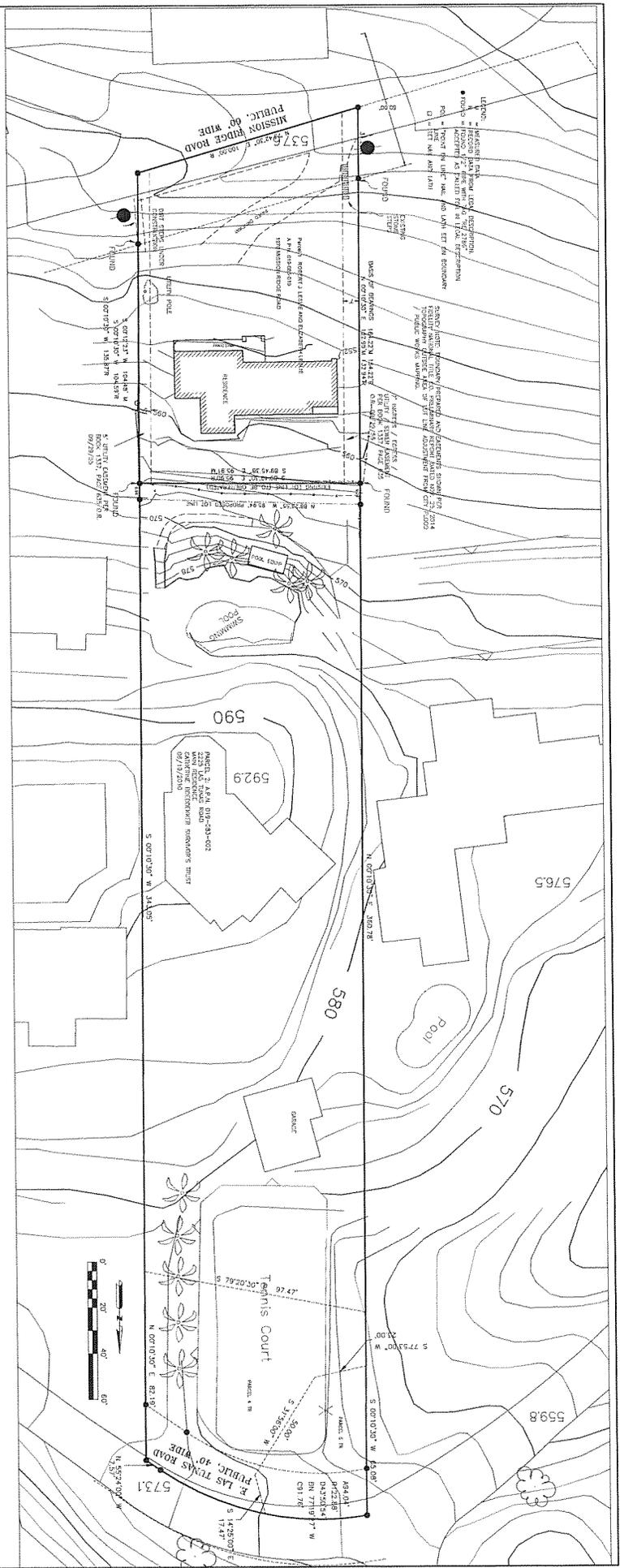
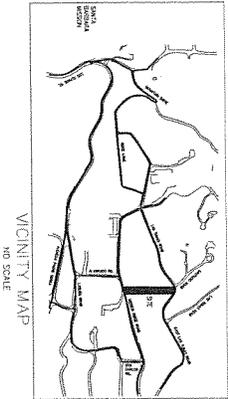


EXHIBIT B

APN 064204410
 WITH NEIGHBORHOOD ROAD
 TITLE REPORT 14-428035-BTD DATE 11/20/14
 LOT AREA
 EXISTING 15,144 sq ft gross
 PROPOSED 15,144 sq ft gross
 14,844 sq ft gross
 11,351 sq ft net
 Average slope 20% per SBMC 24.15.000 Proposed average slope 21%
 Zone A-1, GENERAL PLAN "MULTI-FAMILY RESIDENTIAL, MEDIUM-DENSITY"
 SETBACKS FRONT 30' REAR 10' 5' POOL 5'

FUNCTIONS RESIDENTIAL
 PURPOSES OF THE ADJUSTMENT BETWEEN TWO (2) LEGAL LOTS (SBMC 27.40.050 CODE 66412)
 2. ONE (1) LOT AREA MODIFICATION TO ALLOW CREATION OF A 12,176 SQ FOOT LOT FOR EXISTING STRUCTURE A, 6,548 SQUARE FEET (SBMC 26.15.050 AND 26.32.110(A))
 1. ONE (1) LOT AREA MODIFICATION TO ALLOW CREATION OF A 15,144 SQUARE FOOT LOT (PROPOSED) WHERE A 65,340 SQUARE FOOT LOT (EXISTING) EXISTS IN THE 064-204-010 ZONE (SBMC 26.15.050 AND 26.32.110(A))

2021 LANTANA ROAD
 TITLE REPORT 14-428035, TO DATE 11/20/14
 LOT AREA
 EXISTING 41,810 sq ft gross
 PROPOSED 41,810 sq ft gross
 42,973 sq ft net
 30,791 sq ft net
 Average slope 19% per SBMC 24.15.000 Proposed average slope 19%
 AREA TO BE EXCHANGED IS 78.9 sq ft
 Zone A-1, GENERAL PLAN "MULTI-FAMILY RESIDENTIAL, MEDIUM-DENSITY"
 SETBACKS FRONT 30' REAR 10' 5' POOL 5'



MUNICIPALITY MAP
 NO SCALE



PROPOSED LOT LINE ADJUSTMENT MAP
 (MST2015-00020)
 BETWEEN
 2225 LAS TUNAS ROAD AND
 1970 MISSION RIDGE ROAD IN THE
 CITY OF SANTA BARBARA,
 COUNTY OF SANTA BARBARA, CALIFORNIA
 Gilmour Land Surveying Inc.
 7127 Hollister Ave, Suite 25A-310
 Coteco, CA, 93117
 805.585.4500 info@gilmourlandsurveying.com
 JANUARY 19 2015 REV FEB 23, 2015
 SCALE 1" = 20'



23 February 2015

City of Santa Barbara
 Staff Hearing Officer
 630 Garden Street
 Santa Barbara, CA 93101

**Subject: Lot Line Adjustment/Lot Area Modifications
 1970 Mission Ridge (019-083-019) & 2225 Las Tunas (019-083-002)
 DART Submittal UPDATED LETTER**

Dear Staff Hearing Officer:

Enclosed for your review are documents and drawings in support of a request for Staff Hearing Officer approval of a Lot Line Adjustment and Lot Area Modifications for the above referenced properties. Following is a summary of the existing and proposed lots:

	Existing Net S.F.	Proposed Net S.F.	Zoning	Average Slope
1970 Mission Ridge APN 019-083-019	11,381.6	12,158.6	A-1	20%
2225 Las Tunas APN 019-083-002	40,537.9	39,761.0	A-1	19%

The lot line adjustment is being proposed as the result of an agreement between the property owners. The property owners are proposing to relocate a utility easement to a more appropriate location and simultaneously correct a misunderstanding as to the location of the boundary between their lots. The property owners had believed that the boundary was slightly north of the current location. They have come to an agreement to propose to correct that misunderstanding by adjusting the boundary to the north (to where they mistakenly thought the boundary was located) in exchange for relocating the utility easement. The existing easement is located adjacent to what will be a bathroom and a master bedroom. Rather than have an easement directly adjacent to bathroom and bedroom windows, the easement is being moved to the east side of 1970 Mission Ridge Road.

The A-1 zone (one family residence) requires a minimum lot size of 1 acre. Based on slope density requirements, minimum lot sizes for the subject properties are increased to 1.5 acres. In order to comply with the City's Zoning Ordinance the lot area modifications are required as each lot is currently below the minimum required 1.5 acres.

The proposed lot line adjustment affects approximately 777 sq. ft of land. As indicated by the enclosed photos, it is not anticipated that adjustment of the lot line approximately 8 feet to the north will affect the average slope of either lot.

Each subject lot contains a single family dwelling. Each lot will remain in compliance with required setbacks. No development is proposed and no dedications or public improvements are required.

The subject properties are surrounded by residential land uses (A-1) to east, west, and north and the El Encanto Hotel (R-2 4.0/R-H) to the south.



I look forward to working through the DART process with City staff and presenting the project to you for approval. Should you have any questions or require additional information, please contact me at 805-966-2758 x21.

Sincerely,

SUZANNE ELLEDGE

PLANNING & PERMITTING SERVICES, INC.



Steven M. Fort, AICP
Senior Planner

cc: Mr. James Scafide, Scafide Law Firm